

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

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SUHAIL NAJIM	)	
ABDULLAH AL SHIMARI <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	Case No. 1:08-cv-827 (LMB/JFA)
v.	)	
	)	
CACI PREMIER TECHNOLOGY, INC.	)	
	)	
Defendant.	)	
	)	
<hr/>	)	
CACI PREMIER TECHNOLOGY, INC.,	)	
	)	
Third-Party Plaintiff,	)	
	)	
v.	)	
	)	
UNITED STATES OF AMERICA, and	)	
JOHN DOES 1-60,	)	
	)	
Third-Party Defendants.	)	
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**PLAINTIFFS' MOTION TO CERTIFY DEFENDANT'S APPEAL AS FRIVOLOUS**

Plaintiffs respectfully move to certify defendant's interlocutory appeal (Dkt. No. 1253) as frivolous. Under *Apostol v. Gallion*, 870 F.2d 1335, 1338 (7th Cir. 1989) (cited with approval in *Behrens v. Pelletier*, 516 U.S. 299, 310-11 (1996)), the Court should declare defendant's appeal frivolous and retain jurisdiction over all claims in this case. The bases for Plaintiffs' motion are set forth in greater detail in the accompanying memorandum of law.

Wherefore, Plaintiffs respectfully request that the Court grant its motion.

Respectfully submitted,

/s/ John Kenneth Zwerling  
John Kenneth Zwerling (VA Bar #08201)

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2019, I electronically filed the above document through the CM/ECF system, which sends notification to counsel for Defendant and Third-Party Defendants.

/s/ John Kenneth Zwerling  
John Kenneth Zwerling (VA Bar #08201)